

Message Text

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ACTION ARA-14

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SUBJ: PRISONERS STAGE HUNGER STRIKE

1. FIFTEEN SO-CALLED POLITICAL PRISONERS AT PERNAMBUCO'S BARRETO CAMPLEO PENITENTIARY BEGAN A HUNGER STRIKE ON APRIL 17 THAT ENDED TWENTY THREE DAYS LATER ON MAY 9 AFTER AUDITOR JOSE BOLIVAR REGIS OF THE SEVENTH REGIONAL MILITARY COURT AGREED TO ATTEND TO SOME OF THEIR REQUESTS. ON MAY 10 THE LAWYER REPRESENTING THE PRISONERS PRESENTED A PETITION TO THE AUDITOR ANNOUNCING THE END OF THE STRIKE AND ASKING FOR AN END TO ISOLATION.

2. THE STRIKE WAS THE SECOND CALLED TO PROTEST THE SEPARATE PRISON REGIME ACCORDED RHOLINE SONDE CAVALCANTI AND CARLOS ALBERTO SOARES SERVING SENTENCES OF PERPETUAL IMPRISONMENT IMPOSED UNDER THE NATIONAL SECURITY LAW FOR ACTS THAT LED TO THE DEATHS OF THEIR VICTIMS. THE MILITARY AUDITOR IS EXPECTED TO GIVE A RULING THE WEEK OF MAY 22 PERMITTING THE TWO PRISONERS TO SUNBATHE WITH THE OTHER "POLITICAL" PRISONERS TWO DAYS A WEEK, TO PARTICIPATE WITH THEM IN SPORTS ACTIVITIES TWO DAYS A WEEK AND TO HAVE FAMILY VISITS JOINTLY WITH OTHER PRISONERS ONE DAY A WEEK. CAVALCANTI AND SOARES WERE SERVING THEIR PRISON SENTENCES SEPARATE FROM THE OTHER "POLITICAL" PRISONERS SINCE NOVEMBER 1975 IN
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ACCORDANCE WITH THE STATE OF PERNAMBUCO'S INTERPRETATION OF THE REQUIREMENTS OF THE NATIONAL SECURITY LAW. THEY WERE ALLOWED TO SUNBATHE, PRACTICE SPORTS AND HAVE FAMILY VISITS-- BUT NOT WITH THE OTHER PRISONERS. STATE AUTHORITIES MAINTAINED THAT SEPARATE (BUT EQUAL) TREATMENT OF CAVALCANTI AND SOARES WAS REQUIRED BY ARTICLE 105 OF THE NATIONAL SECURITY LAW AND THAT THE PRISON REGIME COULD BE ALTERED ONLY UPON ORDER FROM THE MILITARY

COURT. AN EARLIER TWENTY THREE DAY HUNGER STRIKE STAGED NOVEMBER 15 TO DECEMBER 8 ON THIS SAME ISSUE ENDED WHEN AUTHORITIES AGREED "TO STUDY THE ISSUES".

3. PERNAMBUCO AUTHORITIES ASSERTED AT ALL TIMES THAT THE SEPARATE PRISON REGIME WAS IMPOSED BY THE NATIONAL SECURITY LAW AND COULD BE CHANGED ONLY BY JUDICIAL ORDER FROM THE MILITARY COURT. AT NO TIME DID THEY DEFEND OR SEEK TO PROLONG A PRISON REGIME SEPARATING THESE TWO PRISONERS FROM OTHER PRISONERS. THE PAST AND THE PRESENT SECRETARIES OF JUSTICE SEPARATELY EXPRESSED TO THE CONSUL THEIR RECOGNITION OF THE HARDSHIP OF THIS KIND OF PRISON REGIME. THE PREVIOUS SECRETARY SAID THAT HE HAD PERMITTED OCCASIONAL CONTACT WITH THE OTHER PRISONERS INsofar AS HE COULD SHORT OF VIOLATING THE LAW.

4. THE PRISONERS' STRIKE APPEARED TO BE WELL ORGANIZED AND WELL COORDINATED. THE PERPETUAL IMPRISONMENT PRISONERS LAUNCHED THE HUNGER STRIKE WITH THIRTEEN FELLOW PRISONERS AT THE PERNAMBUCO PENITENTIARY. EVERY FEW DAYS "POLITICAL" PRISONERS IMPRISONED ELSEWHERE IN BRAZIL ADHERED TO THE STRIKE WITH MUCH PUBLICITY IN THE MEDIK. BEFORE THE STRIKE WAS OVER AS MANY AS 84 OUT OF A TOTAL OF 200 "POLITICAL" PRISONERS IN BRAZIL WERE PARTICIPATING IN THE HUNGER STRIKE.

5. BRAZILIAN CIVIL RIGHTS GROUPS AND AMNESTY INTERNATIONAL EMBRACED THE PRISONERS' CAUSE. AMONG THE BRAZILIAN GROUPS WERE LIMITED OFFICIAL USE

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THE MDB COMMISSION ON HUMAN RIGHTS, THE ARCHDIOCESE OF OLINDA AND RECIFE'S COMMISSION OF JUSTICE AND PEACE, THE PERNAMBUCO CHAPTER OF THE BRAZILIAN BAR ASSOCIATION, THE NATIONAL COUNCIL OF BRAZILIAN BISHOPS (CNBB), CATHOLIC WORKERS ACTION, THE FEMININE MOVEMENT OF AMNESTY, VARIOUS STUDENT GROUPS AND RELATIONS OF THE STRIKING PRISONERS.

6. MDB FEDERAL DEPUTY AIRTON SOARES (SP) WAS A MAJOR INTERMEDIARY BETWEEN THE PRISONERS AND THE AUTHORITIES. HE URGED MODIFICATION OF ARTICLE 105 OF THE NATIONAL SECURITY LAW. CNBB PRESIDENT CARDINAL ALOISIO LORSCHIEDER EXPRESSED SOLIDARITY WITH THE PRISONERS BUT CONDEMNED USE OF HUNGER STRIKES. THE MDB JUSTICE COMMISSION MADE LEGAL SERVICES AVAILABLE IN THE PERSON OF ATTORNEY PAULO HENRIQUE MACIEL.

7. THE MILITARY AUDITOR IS SAID TO HAVE HAD A HEART ATTACK JUST BEFORE THE FIRST STRIKE WAS CALLED IN NOVEMBER. AFTER THE STRIKE ENDED HIS TEMPORARY SUBSTITUTE RECOMMENDED CHANGES IN TREATMENT OF THE TWO PRISONERS. STATE AUTHORITIES REFUSED TO ACT ON HIS RECOMMENDATIONS, WANTING INSTEAD A DECISION BY THE MILITARY COURT WHICH THEY FELT HAD THE RESPONSIBILITY FOR PRESCRIBING PRISON TREATMENT. THE SECOND STRIKE WAS CALLED IN APRIL JUST

BEFORE THE MILITARY AIDITOR RETURNED TO THE COURT. SOME BELIEVE THAT THE STRIKE WAS UNNECESSARY--THAT THE MILITARY AUDITOR WOULD HAVE CHANGED PRISON TREATMENT AFTER RECOVERY FROM HIS ILLNESS. OTHERS POINT OUT THAT THESE TWO PRISONERS COULD HAVE APPLIED FOR REDUCTION OF THEIR SENTENCE TO THIRTY YEARS THEREBY ENDING PERPETUAL IMPRISONMENT AND THE PRESCRIBED SEPARATE PRISON TREATMENT. THE TWO ARE THE ONLY PRISONERS IN BRAZIL TODAY UNDER SENTENCE OF PERPETUAL IMPRISONMENT. REDUCTIONS OF SENTENCE TO THIRTY YEARS ARE SAID TO HAVE BEEN SUCCESSFULLY OBTAINED IN OTHER CASES.

8. COMMENT: THE PLIGHT OF THESE TWO PRISONERS AND THEIR DRAMATIZED HUNGER STRIKE WAS USED TO MOBILIZE HUMAN RIGHTS GROUPS AND PUBLIC OPINION THROUGHOUT BRAZIL AGAINST THE NATIONAL SECURITY LAW AND LIMITED OFFICIAL USE

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SEEMINGLY CAPRICIOUS AND ARBITRARY USE OF AUTHORITY BY THE GOVERNMENT. IT IS PART OF MOUNTING PRESSURES FOR CHANGE IN THE POLITICAL SYSTEM, RETURN TO THE RULE OF LAW AND AMNESTY. PERNAMBUCO, BECAUSE OF ITS REPUTATION OVER THE YEARS FOR TOUGH AND AT TIMES ARBITRARY POLICE ACTIONS, IS A LIKELY SCENE FOR FURTHER INCIDENTS INVOLVING POLICE ACTION WHICH WILL BE SEIZED UPON TO RALLY PUBLIC OPINION IN SUPPORT OF POLITICAL CHANGE.

9. EMBASSY CONCURS.
HOFFENBERG

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